

# EXHIBIT K

ROBERT CHAVEZ  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HERMÈS INTERNATIONAL and :  
HERMÈS OF PARIS, INC., :  
Plaintiffs, : Civil Action No.  
: 22-CV-00384  
v. :  
MASON ROTHSCHILD, :  
Defendant. :  
----- :

VIDEOTAPE DEPOSITION OF:  
ROBERT CHAVEZ  
NEW YORK, NEW YORK  
WEDNESDAY, JANUARY 11, 2023

REPORTED BY:  
SILVIA P. WAGE, CCR, CRR, RPR  
JOB NO. 5645292



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2 MR. OPPENHEIM: It was put together  
3 for this litigation?  
4 THE WITNESS: Yes.  
5 MR. OPPENHEIM: And this is something  
6 that Hermès ordinarily does, it collects -- I  
7 think, you said at the beginning it collects  
8 media stories?  
9 THE WITNESS: We do. We save all of  
10 our media coverage.  
11 MR. OPPENHEIM: Whether or not you're  
12 in litigation?  
13 THE WITNESS: Yes.  
14 MR. OPPENHEIM: Yeah, I have no  
15 objection to the admission, Oren. Thank you.  
16 BY MR. WARSHAVSKY:  
17 Q. Now, we've seen these articles.  
18 Can you turn to -- well, let me ask  
19 this.  
20 About how often does the Birkin bag  
21 get coverage in media?  
22 A. I would say it's constant.  
23 Q. And that's not withstanding the fact  
24 that the Birkin bag is over 30 years old?  
25 A. Yes.

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2 Q. Can you turn to Exhibit 9 please.  
3 (Deposition Exhibit 9, Harper's  
4 Bazaar cover page and article titled, "The Mighty  
5 Mighty Birkin," HERMES\_0001768 to HERMES\_0001772,  
6 was marked for identification.)  
7 A. (The witness complies.)  
8 Q. Can you tell me what this document  
9 is?  
10 A. Yes. This is Harper's Bazaar. I  
11 believe it's from the spring of '21. And it is a  
12 story -- a feature story on the Birkin bag  
13 titled, "The Mighty Mighty Birkin."  
14 Q. Did Hermès participate in this  
15 article?  
16 A. Yes, we did.  
17 Q. How so?  
18 A. Harper's Bazaar wanted to do a story  
19 on the Birkin and they also wanted to interview  
20 the head of the leather department, who is  
21 Catherine Fulconis.  
22 Q. And, if you know, what kind of  
23 magazine is Harper's Bazaar?  
24 A. It's a high end fashion book.  
25 Q. Are there other -- we've looked at a

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2 lot of print.  
3 Are there other types of media that  
4 the Birkin bag is featured in?  
5 A. Yes.  
6 Q. Can you tell me about that?  
7 A. Television shows, movies and  
8 certainly most recently social media.  
9 Q. Thank you. Sorry to interrupt.  
10 Can you give an example or two of  
11 television shows?  
12 A. Yes. Probably the most well-known is  
13 the Sex in the City, but also we've appeared in  
14 Gilmore Girls and several other TV shows  
15 throughout the years.  
16 Q. And can you tell us a little bit  
17 about the Sex and the City episode that you're  
18 referring to?  
19 A. Yes. Sex and the City approached us  
20 back in the early 2000s and they wanted to do a  
21 segment on the Birkin bag. So we agreed to do it  
22 with them. They asked if they could film in the  
23 store and we said, yes. We allowed them to film  
24 in the store.  
25 Q. And can you briefly describe the

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2 episode?  
3 A. Yes, the episode had to do with the  
4 desire of obtaining a Birkin bag and two of the  
5 characters were discussing it and then made their  
6 way into the store to see one of the bags and the  
7 whole discussion ensued about the bag itself.  
8 Q. I'd like to turn your attention to  
9 Exhibit 10.  
10 (Deposition Exhibit 10, compilation  
11 of movies and TV series that included the Birkin  
12 beginning with HERMES\_0001614, was marked for  
13 identification.)  
14 A. Yes.  
15 MR. WARSHAVSKY: Oh, thank you.  
16 It's just been noted that I didn't  
17 move Exhibit 9 into evidence. So, while the  
18 witness is looking at Exhibit 10, we'll move  
19 Exhibit 9 into evidence.  
20 MR. OPPENHEIM: No objection.  
21 (Deposition Exhibit 9 was moved into  
22 evidence.)  
23 MR. WARSHAVSKY: Thank you.  
24 Q. Have you ever seen Exhibit 10 before?  
25 A. Yes, I have.

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2 Q. Can you tell us what it is?

3 A. This too is a compilation of Birkin

4 bag appearing in several movies.

5 Q. And who created this?

6 A. Hermès International.

7 Q. And why did Hermès create this?

8 A. Well, because we save -- we all kind

9 of all of the coverage that we get.

10 MR. WARSHAVSKY: We would move

11 Exhibit 10 into evidence.

12 MR. OPPENHEIM: No objection.

13 (Deposition Exhibit 10 was moved into

14 evidence.)

15 Q. Does this press impact Hermès'

16 business?

17 A. Yes, it does.

18 Q. How so?

19 A. It increases the awareness level even

20 more and it creates an even higher demand for the

21 bag.

22 Q. Does Hermès advertise the Birkin bag?

23 A. Yes, we do.

24 Q. I'd like to show you Exhibit 11.

25 (Deposition Exhibit 11, color copy of

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2 one page of a national ad campaign from the early

3 2000s with no Bates, was marked for

4 identification.)

5 Q. Have you ever seen this document

6 before?

7 A. I have, yes.

8 Q. Can you tell us generally what this

9 is?

10 A. This was a part of our national ad

11 campaign back in the early 2000s.

12 Q. And what products are shown in this

13 advertisement?

14 A. In addition to the one scarf there

15 are two Birkin bags featured in this ad.

16 MR. WARSHAVSKY: We move Exhibit 11

17 into evidence.

18 MR. OPPENHEIM: No objection.

19 (Deposition Exhibit 11 was moved into

20 evidence.)

21 Q. Can you please turn to Exhibit 12.

22 (Deposition Exhibit 12, black and

23 white copies of ads with beginning Bates

24 HERMES\_0001406, was marked for identification.)

25 A. Yes.

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2 Q. Have you ever seen Exhibit 12 before?

3 A. Yes, I have.

4 Q. Can you tell us what that is?

5 A. Again, it's a compilation of all of

6 the ad that we just saw appearing in many of the

7 magazines that we advertise in.

8 Q. Did Hermès create this compilation?

9 A. Yes, we did.

10 MR. WARSHAVSKY: We move Exhibit 12

11 into evidence.

12 MR. OPPENHEIM: No objection.

13 (Deposition Exhibit 12 was moved into

14 evidence.)

15 Q. And what was the reaction to this

16 advertisement?

17 A. It was unbelievable.

18 Q. What do you mean by that?

19 A. It created quite a stir in the market

20 and brought huge attention to the Birkin bag

21 again.

22 Q. How much does Hermès spend a year in

23 advertising?

24 A. We spend millions of dollars a year

25 in advertising.

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2 Q. Does that include advertising the

3 Birkin handbag?

4 A. Yes, it does.

5 Q. Where are the Birkin handbags sold?

6 A. They're sold in our stores here in

7 the United States and around the world, Hermès

8 stores.

9 Q. Can a customer buy a Hermès bag on

10 the website?

11 A. No, they cannot.

12 Q. And earlier you spoke a little about

13 demand. I want to go back to that.

14 Can you explain the process from when

15 a customer walks into purchase a Birkin handbag

16 what happens next?

17 A. Yes. Clients come in requesting a

18 Birkin handbag. Most likely, we will not have

19 availability at that time or it's very rare that

20 we would have availability at that time. So we

21 will have a conversation with the client. We

22 will take their wish list and then we will get

23 back to them as soon as we have an idea as to

24 when we think we might be getting a bag in that

25 this is what they're looking for.

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2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 (Deposition Exhibit Defendant's A,  
12 printout of 2021 Universal Registration Document  
13 Including the Annual Financial Report, was marked  
14 for identification.)  
15 Q. Defendant's Exhibit A is a document  
16 consisting of five pages retrieved from a website  
17 visible on the first page.  
18 My first question to you is, Mr.  
19 Chavez, have you ever seen this document before?  
20 A. I have not, no.  
21 Q. Do you know -- have you ever heard of  
22 this document before?  
23 A. I've heard of it, yes.  
24 Q. Okay. Do you recognize this document  
25 as something created by Hermès? And there I'm

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2 referring generically to the parent company and  
3 all its subsidiaries.  
4 A. Yes, it's created by Hermès  
5 International.  
6 Q. Okay. I'd like to turn your  
7 attention to the page -- I think it's the third  
8 page of the exhibit. It's a chart that says,  
9 "Revenue and Activity by Métier," on Page 26.  
10 Do you see that there?  
11 A. Yes, I do.  
12 Q. The first line on that chart is  
13 called, "Leather Goods and Saddlery."  
14 Is that a business division of  
15 Hermès?  
16 A. Yes, it is.  
17 Q. And do Birkin bags fall within that  
18 division of the company?  
19 A. Yes, they do.  
20 Q. Okay. And, roughly speaking, are the  
21 numbers you see here for revenue -- and that  
22 would be Column 1 and then Column 3, which  
23 respectively say, "revenue in millions of euros  
24 for 2021 and 2020."  
25 Does the information on that line for

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2 leather goods and saddlery strike you as  
3 generally accurate or you're not sure?  
4 A. It strikes me as generally accurate,  
5 yes.  
6 Q. So is this consistent with your  
7 understanding that the revenue from the Birkin  
8 bags segment increase from about \$3.2 billion to  
9 a little over \$4 billion between 2020 and 2021?  
10 A. Yes.  
11 MR. OPPENHEIM: Okay. I would move  
12 for the admission of Defendant's 1 -- A.  
13 Oren, do you want to put an objection  
14 on that?  
15 MR. WARSHAVSKY: I am going to object  
16 to that, because I don't think the witness knows  
17 what it is. [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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2 [REDACTED]  
3 BY MR. OPPENHEIM:  
4 Q. Okay. So, just very quickly, the  
5 last question about this document.  
6 That chart on Page 26 we were just  
7 looking at, are tables of data like this produced  
8 in the ordinary course of business by Hermès?  
9 A. Yes, they are.  
10 Q. Okay. And do you believe that this  
11 table you're looking at right now was prepared in  
12 the ordinary course of business by Hermès?  
13 A. Yes.  
14 Q. Okay. How did Birkin bags do this  
15 year in 2022?  
16 I'm sorry, last year. It's 2023 now;  
17 last year.  
18 A. Yes. They did well.  
19 Q. Okay. Did the segment of the  
20 business continue to grow at about that rate?  
21 A. Not at the same rate because the rate  
22 you're looking at is comparing '21 versus a year  
23 of COVID and many of the stores were shut down.  
24 So that's an inflated growth rate.  
25 Q. In other words, 2021 was a little

25 (Pages 94 - 97)

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2 deflated, 2022 was a little inflated?  
3 MR. WARSHAVSKY: Objection. I  
4 mean...  
5 Q. I'd like to understand what you meant  
6 when you said that "'21 versus a year of COVID  
7 and many stores were shut down," which is the  
8 inflated number when you were -- which did you  
9 mean to describe as "inflated"?  
10 A. The percent increase would be an  
11 inflated number, because it's not a true  
12 comparison. It's not a true comparison of like  
13 for like, that every store was open against a  
14 year where every store was open. You had stores  
15 that were open against a year where most of our  
16 stores were closed for the majority of the year.  
17 Q. Thank you.  
18 And so what you were, I guess,  
19 intimating was that in 2022 that there would be  
20 -- that that would level off a bit, because more  
21 stores were open in 2021 than 2020?  
22 A. Yes, exactly.  
23 Q. Okay. I'd like to hand you another  
24 document I'm going to mark for identification as  
25 Defendant's B.

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2 (Deposition Exhibit Defendant's B,  
3 printout of June 0222 Half-year Financial Report,  
4 was marked for identification.)  
5 Q. Here you go.  
6 [REDACTED]  
7 Q. Defendant's B is the half year  
8 financial report from June 2022 obtained from the  
9 Hermès website, the address indicated on the  
10 first page.  
11 Have you ever seen this document  
12 before?  
13 A. Yes, I have.  
14 Q. And are you familiar with this  
15 document?  
16 A. Yes.  
17 Q. Are you involved in its preparation?  
18 A. Only to the extent that we send our  
19 figures to be compiled with the total figures for  
20 the entire corporation.  
21 Q. "We," meaning, Hermès US or --  
22 A. Hermès US, yes.  
23 Q. I'm sorry. I know that's not the  
24 name of it.  
25 You understand I'm referring --

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2 A. Yes.  
3 Q. -- to the domestic entity?  
4 A. I do.  
5 Q. Okay. And so, if I could ask you to  
6 turn to Page 6 of this document. I'm sorry. It  
7 may not be the sixth page, because there are some  
8 color pages, but this will have a No. 6 on the  
9 bottom. And it says, "Sales by Métier at the end  
10 of June," on that page.  
11 A. Yes.  
12 Q. Do you see that?  
13 A. I do.  
14 Q. Okay. And on this document, am I  
15 reading this correctly, your sales of leather  
16 goods and saddlery in the first half of 2022 were  
17 \$2.358 billion; is that correct?  
18 A. Yes, it is.  
19 Q. And did you guys stay on that pace?  
20 Did you end at the year at something 4 point --  
21 I don't know, whatever that comes out to, a  
22 little over 4.6?  
23 MR. WARSHAVSKY: I'm going to object  
24 to form. Maybe you want to...  
25 Q. Was this growth rate reflected in the

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2 rest of 2022?  
3 A. I don't -- I don't know the growth  
4 rate for the rest of the world. I can only tell  
5 you the growth rate for the US and for Latin  
6 America. Because I'm not privy to that until the  
7 report is published.  
8 Q. And what was the growth rate for the  
9 US and Latin America in the second half of 2022?  
10 A. Overall or just in leather goods.  
11 Q. Just in leather goods and saddlery,  
12 I'm sorry.  
13 A. Just in leather goods and saddlery, I  
14 would have to give you a good guess, which would  
15 be around 12 or 13 percent.  
16 Q. Of growth?  
17 A. Yes.  
18 Q. Are you aware of a loss of sales  
19 revenue in North America because of the  
20 MetaBirkin?  
21 A. No, I'm not.  
22 Q. Did you play a role in deciding to  
23 bring this litigation?  
24 A. No, I did not.  
25 [REDACTED]